

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC,

Plaintiff,

v.

TRIVAGO N.V., TRIVAGO SERVICES US, LLC,
TRIP.COM GROUP LIMITED, TRIP.COM
TRAVEL SINGAPORE PTE. LTD.,
SKYSCANNER LTD., MAKEMYTRIP INDIA
PVT. LTD., MAKEMYTRIP.COM, INC.

Defendants.

Case No. 7:23-cv-03586-NSR

DECLARATION OF LEE KAR YIN

I, Lee Kar Yin, declare:

A. Background

1. I am permanent resident of Singapore. I am an interdisciplinary artist, professional photographer, designer, creative director and entrepreneur. I am more commonly known by my nickname Jr Lee.

2. Since 1994, I have owned a series of companies in the business of branding, marketing and advertising for businesses worldwide. As part of my business, I conceive and develop branding campaigns and the design, creation, and execution (including photography, copywriting, composing the artwork, choosing appropriate color separation, and supervising the printing and/or production process) required to produce associated marketing materials such as flyers, brochures, press kits, packaging and calendars.

3. Plaintiff, The Wave Studio, LLC, a New York entity that I own and operate, was formed on September 1, 2011, to hold, manage, control and enforce the U.S. intellectual property rights to my works, including all of the Copyright Works at issue in this case. All of the Copyrights previously owned by other Wave entities, all of which I control, were assigned to Plaintiff in this action as of 2011.

4. The photographs that Wave has created as part of the branding campaigns (collectively and individually, the “Copyrighted Works”) are highly sought after works of art that businesses worldwide routinely display in the course of promoting their facilities, custom, and trade.

5. In the context of executing the branding campaigns that Wave had conceived, Wave and I have created photographs of numerous luxury hotels, including The Setai Miami (USA), The Heritage House Mendocino (USA), The Chedi Milan (Italy), The Leela Goa (India), The Chedi Muscat (Oman), The Nam Hai Hoi An (Vietnam), The Chedi Chiang Mai (Thailand), The Chedi Phuket (Thailand), The Datai Langkawi (Malaysia), The Andaman Langkawi (Malaysia), The Saujana Kuala Lumpur (Malaysia), The Club at The Saujana Kuala Lumpur (Malaysia), Carcosa Seri Negara Kuala Lumpur (Malaysia), The Legian Seminyak (Bali), The Club at The Legian Seminyak (Bali), The Chedi Club Ubud (Bali), The Serai Club Jimbaran (Bali), and The Lalu Sun Moon Lake (Taiwan) (collectively, the “Hotels”).

6. Wave has never assigned, licensed, or otherwise transferred any interest to the Copyrighted Works to Trivago, or any other Defendant named in this action, or

otherwise dedicated them to the public. Nor have Defendants ever sought Wave's or my permission to use or reproduce the Copyrighted Works.

B. Defendants' Infringement

7. I have spent hundreds of hours confirming Defendants' infringement. Attached as Exhibits 1 through 9 are direct proof of Defendants' ongoing infringement at issue on this motion.

8. My process to confirm Defendants' infringement includes using automated reverse image search engines, and each listed domain in its dropdown menu within its website to confirm Defendants' use of Wave's Copyrighted Works. Further, I use backlinks to various domains, including Defendants', to identify the country and the URL (Uniform Resource Locator), or unique address, where the image is being displayed.¹ An example of a Web Data Collection Report, including the backlink to a Wave image, is attached to this Declaration as Exhibit 10.

9. Some infringements use hidden layers that mask the ability to identify some photographs. As a result, it is unlikely that all infringements by Defendants will be discovered.

10. Using the techniques described above, I have been able to identify and capture a screen shot of Wave's Copyrighted Works being used by Defendants as of the date of this filing. I have attached as Exhibits 1 through 9 the following: (1) Wave's Copyrighted Work; (2) screenshots of Defendants' ongoing use of the Copyrighted

¹ A reverse image search "is the act of searching the internet with an image rather than keywords." <https://www.semrush.com/blog/reverse-image-search/>. A backlink is defined as "a link created when one website links to another." <https://www.semrush.com/blog/what-are-backlinks/>.

Work on websites that Defendants control; and (3) the Wave copyright registration that is being infringed.

11. The 9 exhibits, highlighted by the side-by-side display of the infringement, evidence Defendants' unauthorized use of Wave's photos.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2023, in Kuala Lumpur.

S/Lee Kar Yin
Lee Kar Yin